IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Sanjay Kumar & ors. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 442/2006
for quashing the criminal proceedings.
...

Date of Order: September 06, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Shambhoo Singh, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Rahul Bhati, for the non-petitioners No.2.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioners seek quashing of criminal proceedings in Criminal Case No. 320/2003, State Vs. Sanjay Kumar & ors., pending in the Court of the Judicial Magistrate, Dungarpur for the offence under Section 498-A, IPC.

I have heard learned counsel for the petitioners, the Public prosecutor and the counsel for the complainant/non-petitioner No.2.

A case was instituted on a complaint lodged by non-petitioner No.2 Smt. Kamla, who is the wife of petitioner No.1,

for the offence under Section 498-A, IPC against the petitioners. During pendency of the proceedings, the parties compromised the matter and settled their dispute amicably by resolving the dispute whatever may be at the time of initiation of the proceedings and resumed the matrimonial life and thereafter filed an application before the trial Court seeking permission to compound the offence stating therein that the parties have amicably settled the dispute, compromised the matter and there remains no dispute between the parties, therefore, the complainant stated that she would not pursue the matter any further. Since the offence under Section 498-A, IPC is not compoundable under Section 320 Cr.P.C., therefore, the trial Court refused to record the compromise.

The parties have amicably settled their dispute. Since it was a matter between the husband and the wife and parents-in-law of the complainant, therefore, in my view, no useful purpose would be served in allowing the criminal proceedings to continue against the petitioners because the complainant would not state against the petitioners.

Having regard to the facts and circumstances of the case and keeping in view the fact that the parties have settled the dispute amicably and no dispute remains between them, in my view, no useful purpose would be served in allowing the criminal proceedings to continue and in order to secure the ends

of justice, the petition deserves to be allowed.

The criminal miscellaneous petition is allowed. The criminal proceedings in Criminal Case No. 320/2003 pending in the Court of the Judicial Magistrate, Dungarpur against the petitioners are quashed.

(H.R. PANWAR), J.

mcs